

**IN THE GENERAL SESSIONS COURT OF SHELBY COUNTY, TENNESSEE
THIRTIETH JUDICIAL DISTRICT AT MEMPHIS
DIVISION XIV**

State of Tennessee ex rel.
Amy Weirich
District Attorney General,

and

Bruce McMullen,
Chief Legal Officer/City Attorney
City of Memphis

Petitioners;

v.

No. _____
Set for Hearing on: 9/25, 2019
General Sessions Court Division XIV
10:00 a.m.

Printer's Alley Bar & Grill
322 S. Cleveland St.
Memphis, TN 38104

Peter Wofford
322 S. Cleveland St.
Memphis, TN 38104

Anthony McVay
322 S. Cleveland St.
Memphis, TN 38104

Respondents.

**VERIFIED PETITION FOR ABATEMENT OF NUISANCE AND REQUEST FOR
INJUNCTIVE RELIEF**

COME NOW the State of Tennessee, ex. rel. Amy Weirich, District Attorney for the
Thirtieth Judicial District of Tennessee at Memphis, and Bruce McMullen, Chief Legal

Officer/City Attorney for the City of Memphis, Tennessee (hereinafter "Petitioners") and file this Verified Petition for Abatement of Nuisance, and for their cause of action would state the following:

1. This cause of action is commenced pursuant to Tenn. Code Ann. § 29-3-101, et seq., which provides, in part, for the abatement of any nuisance. A nuisance is defined, in relevant part, as:

Nuisance...means [a]ny place in or upon which lewdness, prostitution, promotion of prostitution, patronizing prostitution, unlawful sale of intoxicating liquors, unlawful sale of any regulated legend drug, narcotic or other controlled substance, unlawful gambling, any sale, exhibition or possession of any material determined to be obscene or pornographic with intent to exhibit, sell, deliver or distribute matter or materials,...quarreling, drunkenness, fighting, breaches of the peace are carried on or permitted...

2. This Court has jurisdiction over the matter as provided in Tenn. Code Ann. § 29-3-102, which extends jurisdiction to "chancery, circuit, or criminal courts and any court designated as an environmental court pursuant to Chapter 426 of the Public Acts of 1991."

3. Shelby County, Tennessee is the proper venue for this action. The relevant statute provides that the District Attorney General "shall bring the action in the county where the public nuisance is kept, maintained, carried on or exists." Tenn. Code Ann. § 29-3-103.

4. The nuisance is comprised of a parcel of real property with its appurtenances and attachments, municipally known as 322 S. Cleveland St. Memphis, TN 38104, doing business as Printer's Alley Bar & Grill (hereinafter, "Printer's Alley"). Printer's Alley is adjacent to the Broadmoor Apartments on the east side of S. Cleveland St., approximately 133 feet (across S. Cleveland St.) from 1st Class Montessori School, 126 feet (across S. Cleveland St.) from E.H. Crump Stadium, 708 feet from Central High School, 0.3 miles from St. John's Methodist Church, and 0.4 miles from Bellevue Middle School.

5. Printer's Alley is managed by Anthony McVay and Javel Weston with the billing as a location with "no last call." Printer's Alley lacks a liquor license, although its website states patrons can bring their own liquor.

6. This Petition follows an investigation by the Memphis Police Department ("MPD") Organized Crime Unit ("OCU"). This investigation revealed, *inter alia*, that:

- i. Between January 2015 and December 2018, MPD responded to 61 calls, including complaints of drug usage, drug sales, burglaries, and weapons charges.
- ii. OCU has entered Printer's Alley in an undercover capacity, resulting in multiple narcotics and illegal liquor purchases from employees and patrons of Printer's Alley. Specifically, MPD's investigation has included the following incidents:
 - a. On August 18, 2019, an undercover detective purchased one shot of Jameson from bartender Lucy McVay for \$7.00. The detective used the code word "gravy" to purchase the shot, which was stored in a freezer behind the bar. The bartender put the money in the Printer's Alley cash register.
 - b. On August 17, 2019, an undercover detective purchased a shot of Fireball and a shot of Jameson sold at Printer's Alley from bartender Lucy McVay for \$7.00 per shot. The detective used the code word "cinnamon" for the Fireball liquor shot and "gravy" for the Jameson whiskey shot. The Fireball came from a red ketchup bottle, while the Jameson came from a yellow mustard bottle. Ms. McVay placed the proceeds from the sale in the Printer's Alley cash register located behind the bar, .

- c. On January 20, 2019, an undercover detective purchased liquor sold by bartender and owner Anthony McVay. The detective used the aforementioned code words "cinnamon" for Fireball and "gravy" for Jameson to purchase a shot of each for \$6.25 each. The Fireball came from a red ketchup bottle, while the Jameson came from a yellow mustard bottle. Mr. McVay placed the proceeds from the sale in the Printer's Alley cash register located behind the bar. The detective also encountered an employee, Danny, from which the detective had previously purchased marijuana, and the two discussed making future purchases, with Danny stating the detective could come back to Printer's Alley to initiate the sale.
- d. On October 21, 2018, an OCU detective purchased Fireball and Jameson liquor from Printer's Alley employee Marc Rice, also known as Cowboy. Rice placed the proceeds from the sale in the cash register located behind the bar. The detective also purchased marijuana from a Printer's Alley employee Danny.
- e. On October 15, 2018, an OCU detective purchased Fireball and Jameson liquor from Rice. Rice placed the proceeds from the sale in the cash register located behind the bar, and the detective witnessed proceeds from food and beer go into the same register.
- f. On June 23 and 24, 2018, MPD responded to assaults involving employee Hannah Holt.
- g. On January 28, 2018, an OCU detective purchased Fireball and Jameson liquor from the Printer's Alley bartender. Additionally, the OCU detective

purchased cocaine from patron Juan, making a hand-to-hand exchange inside Printer's Alley. The detective had previously purchased cocaine from the same patron.

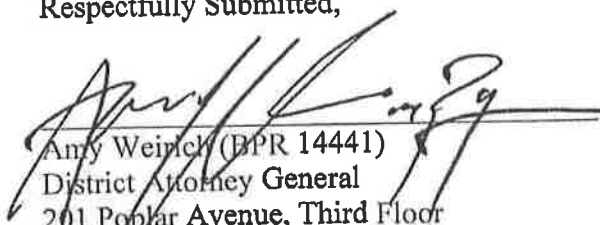
- h. On January 26, 2018, an OCU detective purchased Fireball, Jameson, and gummy bears infused with tequila from the bartender. The OCU detective observed others purchasing the same items at the bar.
- i. On January 19 and 20, 2018, an undercover OCU detective observed the sale of gummy bears soaked in vodka.
- j. On January 5, 2018, an undercover OCU detective purchased Fireball liquor from the bartender and cocaine from patron Juan, from whom the detective had previously purchased cocaine inside Printer's Alley.
- k. On December 9 and 10, 2017, an undercover OCU detective purchased Fireball liquor from a bartender and on December 10, 2017 the detective purchased cocaine from patrons Oliver and Juan.
- l. On December 1, 2017, an undercover OCU detective purchased liquor from a bartender placed in a Jello cup. On November 27, 2017, an undercover OCU detective purchased liquor from the bartender.
- m. In addition, MPD responded to several incidents detailed in the attached Exhibits.

7. This Petition is filed in an effort to stop what appears to be a long-term and worsening problem of criminal activity occurring at Printer's Alley. The address presents an uncontrolled danger and a nuisance, serving as a haven for extensive drug-related sales, illegal liquor sales, and other dangerous behavior.

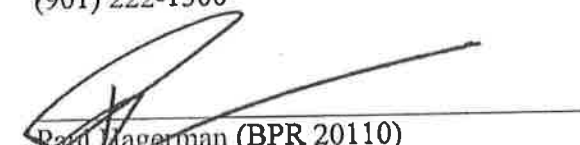
8. Attached as Exhibits 1, 2, and 3 are memoranda summarizing the findings made by OCU. By reference, these memoranda are incorporated herein.

Wherefore, the City of Memphis and State of Tennessee pray that this Court would grant a temporary writ of injunction; that notice be given to all parties to appear and show cause why the City and State's further application for a permanent injunction should not be granted; and, upon hearing the proof in this cause, that a judgment be entered declaring 322 S. Cleveland St. a public nuisance pursuant to the laws of this State.

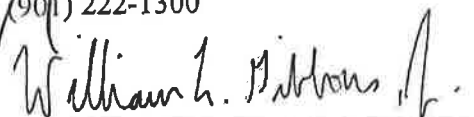
Respectfully Submitted,



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Verification

I have read the foregoing and participated in the investigation referenced above. To the best of my information, knowledge, and belief, I do attest, upon penalty of perjury, that the foregoing is true and accurate.

Signature: Ben Locke

Print Name: Ben Locke MPD: 12805

Date: 9/20/2019

Notary: Stacey King

My commission expires: 07/20/21

Date: 09/20/2019

